

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner now combines the previously cited reference (Niida) with another reference showing a conventional capsule endoscope. Specifically, the Examiner now rejects claims 1, 2 and 4 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0023150 to Yokoi et al., (hereinafter “Yokoi”) in view of U.S. Patent Application Publication No. 2002/0045801 to Niida et al., (hereinafter “Niida”). Furthermore, the Examiner rejects claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Niida and Yokoi and further in view of U.S. Patent No. 4,757,347 to Tamaoki et al. (hereinafter “Tamaoki”).

In response, Applicants respectfully traverse the Examiner’s rejections under 35 U.S.C. § 103(a) for at least the reasons set forth below. However, independent claim 1 has been amended to clarify its distinguishing features.

In the Official Action, the Examiner has combined the standard features of a capsule endoscope as shown in Yokoi with the temperature detection feature of Niida. Thus, the Examiner now argues that all of the features of the claims are shown in the combination of Yokoi and Niida. Applicants respectfully disagree.

The light source apparatus of Niida is for a wired conventional endoscope. This light source apparatus, however, is not configured in the endoscope itself, in which a distal portion thereof is inserted into the subject’s body, but is placed external to the subject’s body and connected with the endoscope’s main body so as to illuminate the subject’s inner body through a light guide in the endoscope main body. The lamp for supplying the illumination light is kept and maintained to be adequately turned on, notifying the user of a

lamp malfunction to allow the user to take quick measures to turn on the lamp normally. Specifically, a large sized lamp including a halogen tube, xenon tube, etc. configured in the light source apparatus emits light that is introduced as illumination light to the light guide in the endoscope main body. The size of the lamp itself in the light source apparatus is significantly large.

Yokoi merely discloses typical characteristics of a capsule endoscope.

In contrast to the above, in the capsule endoscope of claim 1, in an internal electronic circuit positioned at a distal end part of a main body of the capsule endoscope, there are provided temperature detection means, temperature determination means, and power control means. In case of a malfunction or trouble of an internal electronic circuit system, power supply from the power source is controlled to be stopped so as to ensure higher safety and realize constantly assured inspection, diagnosis, etc. Furthermore, illumination means in the capsule endoscope is quite different from the light source apparatus of Niida in not only in size but also in construction and driving method.

However, in the interest of advancing prosecution, independent claim 1 has been amended to remove reference to the lighting unit as one of the internal electric circuits. That is, Niida only discloses a temperature detection means with regard to a lighting unit. Neither Niida nor Yokoi disclose a temperature detection means arranged in the internal electric circuits of an image pickup unit, signal processing unit or wireless communication device.

The amendment to claim 1 is fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to independent claim 1.

With regard to the rejection of claims 1, 2 and 4 under 35 U.S.C. § 103(a), independent claim 1 is not rendered obvious by the cited references because neither the Niida patent nor the Yokoi patent, whether taken alone or in combination, teach or suggest a capsule endoscope having the features discussed above and recited in independent claim 1. Accordingly, claim 1 patentably distinguishes over the prior art and is allowable. Claims 2 and 4, being dependent upon claim 1, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2 and 4 under 35 U.S.C. § 103(a).

With regard to the rejection of claims 5 and 6 under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claims 5 and 6 are at least allowable therewith because they depend from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 5 and 6 under 35 U.S.C. § 103(a).

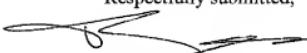
Furthermore, the Applicants respectfully submit that there is no motivation or suggestion to combine the Niida and Yokoi references and their combination is also not a predictable variation of the claimed subject matter. Thus, for at least the reasons set forth below, the Applicants respectfully submit that the rejections for obviousness under 35 U.S.C. 103(a) are improper and must be withdrawn.

In this regard, Applicants respectfully submit that neither reference shows the temperature detection means in the endoscope itself. As compared to a capsule endoscope, the light source of Niida is a relatively large device that is not body-insertable and therefore, those of ordinary skill in the art would not look to (1) a device other than an endoscope and (2) a large device that is not body-insertable to combine with the teachings of Yokoi which

discloses a very small body-insertable device. For at least the same reasons, the claimed capsule endoscope is not a predictable variation of the conventional capsule endoscope disclosed in Yokoi.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli

Registration No.: 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm